



COPY

**PATENT
JPJI/0032.PIRCE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Examiner:	Todd M. Epps
Wheeler et al.	§		
Serial No:	§	Group Art Unit:	3632
10/806,027	§		
Confirmation No.:	§	Docket No:	JPJI/0032.PIRCE
1013	§		
Filing Date:	§	Customer No.:	60935
March 22, 2004	§		
For:	§		
Tool Securing Mechanism For	§		
Hangtag Assembly	§		

MAIL STOP 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING 37 CFR 1.8	
I hereby certify that this correspondence is being deposited on November 6, 2006, with the United States Postal Service as First Class Mail in an envelope addressed to: Mailstop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>11/6/2006</u> Date	<u>Todd M. Epps</u> Signature

REQUEST FOR REFUND UNDER 37 C.F.R. §1.26

Dear Sir:

Applicant respectfully requests a refund of the filing fee for the Request For Continued Examination ("RCE") and the fee for the Petition for Three (3) Extension of Time Under 37 C.F.R. §1.136(a) ("3 month extension") that were filed on November 6, 2006. Applicant was forced to file the RCE and 3 month extension to avoid abandonment due to an error or omission by the USPTO.

Applicant received a Final Office Action that was dated May 5, 2006. Applicant timely filed a response ("Second RFOA") to that Final Office Action on August 1, 2006, which was within the shortened statutory period for reply. (See, Exhibit A). The electronic acknowledgement is also attached, showing receipt of the Second RFOA by the USPTO (see Exhibit B).

Despite the electronic acknowledgement, Applicant later learned that the USPTO had no record of receiving the Second RFOA. To avoid abandonment and at the suggestion of Examiners Epps and Wujciak, Applicant then filed the RCE with the 3 month extension of time on November 6, 2006. The previously filed Second RFOA was the submission required under 37 C.F.R. §1.114.

Applicant respectfully requests that the Commissioner refund the \$905.00 for the above noted fees (RCE filing fee of \$395.00 and Three (3) Month Extension of Time fee of \$510.00) because the Applicant timely responded to the Final Office Action within the required time period, and should not be held responsible for an error or omission that is not the fault of the Applicant.

Date:

11/6/2006

Respectfully submitted,

Robb D. Edmonds

Robb D. Edmonds

Registration No. 46,681

Edmonds P.C.

16815 Royal Crest Drive, Suite 130

Houston, Texas 77058

Tel: 281-480-2700

Fax: 281-480-2701

Attorney for Applicant

BEST AVAILABLE COPY